

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:19-CR-23

vs.

THOMAS NEWLAND,

ORDER

Defendant.

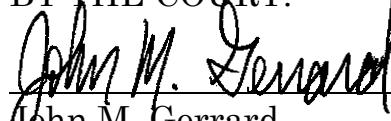
The defendant has filed a motion to appoint counsel (filing 51) alleging that he needs rehabilitation and is not being provided with it at USP Leavenworth. Those issues seem to relate to prison conditions.<sup>1</sup> As such, the proper venue to raise them is the district in which the defendant is confined. *See DeSimone v. Lacy, 805 F.2d 321, 323 (8th Cir. 1986)*. Accordingly, the Court will deny the defendant's motion without prejudice to reassertion in the U.S. District Court for the District of Kansas.<sup>2</sup>

IT IS ORDERED:

1. The defendant's motion to appoint counsel (filing 51) is denied.
2. The Clerk of the Court is directed to provide the defendant a copy of this order along with a copy of form Pro Se 14 and form AO 240.

Dated this 10th day of April, 2024.

BY THE COURT:



John M. Gerrard

Senior United States District Judge

<sup>1</sup> To the extent the defendant may be seeking to pursue a motion for compassionate release, the Court finds no basis to appoint counsel at this point, for the reasons stated in filing 49.

<sup>2</sup> Robert J. Dole Courthouse, 500 State Ave, Kansas City, KS 66101.